Employee Complaint & Appeals

Most faculty and staff concerns or grievances can be resolved informally through normal collegial communication. Faculty and staff members are encouraged to take complaints to their immediate supervisor in the spirit of problem solving. Should these efforts be unsuccessful, the faculty or staff member may elect to proceed to additional steps of the KCTCS Complaint Resolution Procedure to make a complaint concerning a violation, misinterpretation or improper application of a specific personnel statute, regulation, safety procedure or policy as described herein, unless specified in other KCTCS policies and procedures that the complaint be referred to the KCTCS Senate Advisory Committee on Appeals which has broad jurisdiction on matters relating to faculty privilege as well as tenure.

All KCTCS employees have access to an appeal process to the KCTCS Board of Regents or to the Board's designee for applicable complaints. The KCTCS Board of Regents authorized the KCTCS President to establish a personnel dispute resolution process that results, in the final stage, in an independent third party appeal for all employees of the Kentucky Community and Technical College System for designated types of complaints as defined in the KCTCS Independent Third Party Appeal Process policy.

The persons accountable for the delivery and quality of service, namely department heads and their immediate supervisors, have the primary responsibility to resolve work disputes. Therefore, any appeal or complaint process should emphasize resolution within the management system at the earliest possible level - and in the shortest possible time frame.

Please contact your Human Resources Office, KCTCS Employee Relations or a KCTCS Administrator for more information regarding the process for reporting harassment, discrimination, hostile work environment, or retaliation. In accordance with the KCTCS Administrative Policy on Harassment, reports of these matters do not follow the Complaint Resolution Procedure.

The steps in the Complaint Resolution Procedure are as follows:

Step 1

An employee may direct an oral complaint to the immediate supervisor within 10 working days of the occurrence or when a reasonable employee should have become aware of the issue. The supervisor will attempt to resolve the matter and respond to the employee within ten working days. If not resolved, the employee may proceed to Step 2.

Step 2

The employee may then forward a written complaint, with a full description of the complaint including a description of the interaction with the supervisor, to the head of the

institution within 10 working days of the time the employee receives an oral response to the complaint in Step 1. The institution head may choose to: (a) refer the matter to an intermediate immediate supervisor for investigation and recommended solution, or (2) assume direct responsibility. In either case, the head of the institution must give a written decision to the complaining employee within 10 working days of the receipt of the written complaint unless there is an agreed extension in writing. The employee will have 10 working days to accept the decision or proceed to Step 3 by appealing the matter to the KCTCS Chancellor in writing with a full description of the complaint and suggested remedy.

Step 3

The KCTCS Chancellor will take the matter under advisement, gather any additional information he/she deems necessary and render a decision within 20 working days, unless there is an agreed upon extension in writing. The employee will have 10 working days to accept the decision or proceed to Step 4 by appealing the matter to the Board of Regents in writing with a full description of the complaint and suggested remedy.

Step 4

Upon receipt of the complaint by the Board, the matter will be directed to the President of KCTCS, as the Board's designee, to investigate the case. The President may request that the Board designate an alternative designee for any particular case. In either case, the designee will air the complaint, gather relevant evidence directly or through other parties, consider options for resolution of the complaint and reach a decision. The decision reached should be based on its fairness to management as well as the employee, but most particularly that it be in the interest of providing quality service to the people of Kentucky. The designee will render a decision within 20 working days of the Board's receipt of the complaint unless there is an agreed extension in writing.

The decision of the Board's designee will be forwarded to the parties to the complaint and will be final, subject to the independent third party appeal process if applicable according to the KCTCS Independent Third Party Appeal Process policy.

For KCTCS system office employees, the same procedures and timelines apply, beginning with their immediate supervisor and proceeding through the normal chain of command. In any grievance in which the Chancellor is required to respond at Step 1 or Step 2, a System Vice President will perform Step 3 requirements.

The employee may have a representative at any step of the complaint resolution process.

Failure to forward a response to the complainant at any stage of the process within the set time frames shall be treated as a denial of the complaint at that stage.

Mediation through KCTCS Voluntary Interventions may be invoked as an alternative to the CRP or as an alternative to the progression of any Step of the Appeals Process for a particular issue. Once an appeal has been made and a decision handed down, that decision shall not be mediated. Further appeals may, however, be placed "on hold" in order to attempt to reach resolution through the mediation process. If a signed Mediation Agreement is the outcome of the mediation process, then the issue would be ineligible for further appeals through the CRP.

Complaint resolution process steps are summarized in the table below:

Step	**Response Due Within**	**Employee Must Appeal Within**
1. Oral with supervisor	10 working days	10 working days
2. Written with college president/ceo	10 working days unless extended in writing by mutual agreement	10 working days
3. Written with the KCTCS Chancellor	20 working days unless extended in writing by mutual agreement	10 working days
4. Board of Regents Designee (usually KCTCS President)	20 working days unless extended in writing by mutual agreement	Final, except for matters eligible for third party appeal.